EXHIBIT 1

Email exchange with Plaintiffs' counsel
re: supplementing appellate record

Matt H. Cline

From:	Chris Cain <cain@scottandcain.com>
Sent:	Tuesday, March 28, 2017 11:21 AM
To:	Matt H. Cline
Cc:	Chris J. Tardio; Janna Bingham
Subject:	RE: Specialty Surgery Center Appeals - Palmer & Norris

Matt,

I disagree that the record needs to be supplemented with any briefing as it clutters the record and the parties are allowed briefing on appeal. Unless there is a question as to whether an issue has been waived, there is no need for any briefing to be part of the record—especially where I did none of it. Next, your Motion to Dismiss (MDL 3086) is already in the record for *Palmer and Norris*. The Court made no reference to any of its previous orders in dismissing my two cases. However, I recognize that your Motion to Dismiss makes reference to two of the Trial Court's Orders (Nos. 1360 and 3027) and I am agreeable to supplementing the record with those two orders if that is the extent of the supplementation. Let me know your position on this.

Thanks.

Chris

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From: Matt H. Cline [mailto:matt@gideoncooper.com]
Sent: Tuesday, March 28, 2017 11:44 AM
To: Chris Cain <cain@scottandcain.com>
Cc: Chris J. Tardio <chris@gideoncooper.com>; Janna Bingham <janna@gideoncooper.com>
Subject: Specialty Surgery Center Appeals - Palmer & Norris

Counsel:

I'm writing about the *Palmer* and *Norris* appeals in the First Circuit. The way these appeals had to be docketed (in the individual cases rather than the main MDL docket) resulted in an incomplete record. The only thing in the individual dockets are (1) our motion to dismiss, (2) the PSC's opposition, and (3) the Court's order and final judgment. There were a couple of replies and sur-replies that were omitted from the individual docket, and there was also extensive prior briefing and orders in the main MDL on the applicability of Tenn. Code Ann. § 29-26-101, *et seq*. I wanted to reach out and get your thoughts on supplementing the record on appeal. Our suggestion would be to basically include any briefing or order that addresses § 29-26-101.

I've tried to compile a complete list: Docs. 770, 771, 772, 774, 775, 776, 777, 778, 779, 780, 893, 894, 898, 948, 949, 1015, 1017, 1040, 1074, 1112, 1115, 1116, 1179, 1180, 1254, 1255, 1360, 2300, 2302, 2462, 2463, 2464, 2465, 2466, 2467, 2508, 2537, 2548, 2700, 2749, 2755, 2796, 2812, 2826, 2882, 2883, 2884, 2994, 2995, 2996, 2997, 2998, 3021, 3022, 3027, 3086, 3087, 3121, 3122, 3137, 3168, 3183, 3188.

In sum, this is basically (1) the initial round of dispositive motions, (2) the briefing on the applicability of Tenn. Code Ann. § 29-26-101 to the product liability claims in the Saint Thomas cases, (3) the briefing on the applicability of Tenn. Code Ann. § 29-26-101 to the product liability claims in the SSC cases, and (4) the motion to dismiss which resulted in dismissal of *Palmer* and *Norris*. Let me know if you think I've missed anything.

Let me know your thoughts on supplementing the record, and the best method of doing so procedurally.

Thanks.

Matt

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